

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

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|-------------------------------------|---|---------------------------|
| In re: |) | |
| |) | |
| STAYTON SW ASSISTED LIVING, L.L.C., |) | Case No. 09-6082-HO |
| (Constituting the Sunwest Unitary |) | Bankruptcy Court Case No. |
| Enterprise as determined by the |) | 08-3667-tmb-1 (reference |
| Order on October 2, 2009 in U.S. |) | withdrawn) |
| District Court Case No. 09-6056- |) | |
| HO), |) | |
| |) | |
| Debtor. |) | |
| |) | |
| |) | |
| |) | |
| |) | |
| |) | |
| STAYTON SW ASSISTED LIVING, L.L.C., |) | |
| |) | |
| Plaintiff, |) | Case No. 09-6608-HO |
| |) | ORDER |
| v. |) | |
| |) | |
| ELSHOUT'S BLUFFS AT NORTHWOODS, |) | |
| L.L.C., et al., |) | |
| |) | |
| Defendants. |) | |

Plaintiff Stayton SW Assisted Living, seeks to dismiss this adversary proceeding and has determined that it will transfer its interests in Bluffs at Northwoods to Sunwest Trustco, LLC. Plaintiff will not seek a 11 U.S.C. § 363(h) judgment to force the sale or transfer of the interests of the two tenant in common co-owners. Defendants object contending that plaintiff cannot simply transfer their interests to the Sunwest Receiver. However, plaintiff is not attempting such transfer. Accordingly, the motion to dismiss is granted and this proceeding is dismissed.

DATED this 13th day of January, 2011.

s/ Michael R. Hogan
United States District Judge